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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

**AR - 55**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed  
name \_\_\_\_\_

In re Application of

**Jeff S. Eder**Application Number  
**10/645,099**Filed  
**8/21/2003**For **A METHOD OF AND SYSTEM FOR IDENTIFYING, MEASURING AND  
ENHANCING CATEGORIES OF VALUE FOR A VALUE CHAIN**Art Unit  
**3692**Examiner  
**Susan Meinecke Diaz**Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 540.00

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 270 - 250 already paid = 20
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 503642. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.**/B.J. Bennett/**

Signature

☒ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

**B.J. Bennett, President**

Typed or printed name

☐ attorney or agent of record.  
Registration number \_\_\_\_\_

**(206) 335-2102**

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

**7/05/2009**

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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browse before

## **1207.04 < Reopening of Prosecution After Appeal [R-3] - 1200 Appeal**

### **1207.04 < Reopening of Prosecution After Appeal [R-3]**

The examiner may, with approval from the supervisory patent examiner, reopen prosecution to enter a new ground of rejection after appellant's brief or reply brief has been filed. The Office action containing a new ground of rejection may be made final if the new ground of rejection was (A) necessitated by amendment, or (B) based on information presented in an information disclosure statement under **37 CFR 1.97(c)** where no statement under **37 CFR 1.97(e)** was filed. See **MPEP § 706.07(a)**. >Any after final amendment or affidavit or other evidence that was not entered before must be entered and considered on the merits.<

Form paragraph \*>12.187< may be used when reopening prosecution:

\*\*>

#### **¶ 12.187 Reopening of Prosecution After Appeal Brief or Reply Brief**

In view of the **[1]** filed on **[2]**, PROSECUTION IS HEREBY REOPENED. **[3]** set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under **37 CFR 1.111** (if this Office action is non-final) or a reply under **37 CFR 1.113** (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under **37 CFR 41.31** **followed by an appeal brief under 37 CFR 41.37**. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in **37 CFR 41.20** have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below: